

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

|                          |   |                          |
|--------------------------|---|--------------------------|
| STEPHEN A. EICHENLAUB,   | : |                          |
|                          | : | NO. 1:07-CV-00050        |
| Plaintiff,               | : |                          |
|                          | : |                          |
| v.                       | : |                          |
|                          | : | <b>OPINION AND ORDER</b> |
|                          | : |                          |
| SUPERIOR MARINE, et al., | : |                          |
|                          | : |                          |
| Defendants.              | : |                          |

This matter is before the Court on the Magistrate Judge's Report and Recommendation (doc. 86), Plaintiff's Objection (doc. 88), and Plaintiff's Withdrawal of his Objection (doc. 89). For the reasons stated herein, the Court ADOPTS the Report and Recommendation (doc. 86).

The Magistrate Judge held a fairness hearing following the settlement of this Jones Act case (Id.). The settlement was approved, with the exception of Plaintiff's objection to the apportionment of attorneys' fees (Id.). Plaintiff understood and approved the gross amount of attorneys' fees, but did not agree to the apportionment of the fee as negotiated between his former attorney, Meredith Lawrence, and present counsel, Chris Kuebler (Id.). Plaintiff objected solely to the amount paid to Mr. Lawrence, but did not object to Mr. Lawrence being paid a reasonable fee for the number of hours actually worked (Id.). After reviewing the affidavit setting forth the nature and scope of Mr. Lawrence's work on this case, and finding a rate of \$350 per hour reasonable for an attorney with the skills and experience of

Mr. Lawrence, the Magistrate Judge found in the Report and Recommendation that the negotiated fee of \$80,000 to represent the reasonable value of Mr. Lawrence's services prior to termination (Id.). Having reviewed this matter, the Court finds the Report and Recommendation well-reasoned, thorough, and correct.

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981). Plaintiff filed an objection (doc. 88) within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C), but thereafter notified the Court of his desire to withdraw his objection to the Report and Recommendation (doc. 89).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), the Court ADOPTS the Magistrate Judge's Report and Recommendation in its entirety, and APPROVES the fee of \$80,000 for Plaintiff's former attorney Meredith Lawrence.

SO ORDERED.

Dated: February 12, 2009

/s/ S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge